

December 14, 2016

Kootenai County Assessor
P. O. Box 9000
Coeur d'Alene, ID 83816

Kootenai County Recorder
451 N Government Way
P. O. Box 9000
Coeur d'Alene, ID 83816-9000

✓ Idaho State Tax Commission
P. O. Box 36
Boise, ID 83722-2210

Re: Hayden Lake Recreational Water and Sewer District

To Whom It May Concern:

Pursuant to Idaho Code 42-3218, the Hayden Lake Recreational Water and Sewer District ("District") has annexed the real property described and depicted in the attached *Affidavit Regarding Annexation of Property*. Further, the Kootenai County District Court has also entered an order annexing said property into the District, a copy of which is also attached to the Affidavit.

Therefore, pursuant to Idaho Code 63-215, I am enclosing herewith my Affidavit Regarding Annexation of Property into the District, which is to be recorded with the County Recorder (check enclosed), filed with the County Assessor, and filed with the State Tax Commission. If you have any issues or concerns with my request, please direct them to me by email to mschmidt@lukins.com. Otherwise, I would request that you please confirm your receipt and filing of the same with your respective departments. I would also request a copy of the recorded Affidavit from the Recorder's office once it is recorded.

Thank you for your attention to this important matter.

Very truly yours,



MICHAEL G. SCHMIDT

MGS:tbd

Enclosures

cc: Client

REC'D DEC 19 2016

Filed for record at the Request of:

REC'D DEC 19 2016

LUKINS & ANNIS, P.S.
601 E Front Ave., Ste 303
Coeur d'Alene, Idaho 83814
Attention: Michael G. Schmidt

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AFFIDAVIT REGARDING ANNEXATION OF PROPERTY

(Hayden Lake Recreational Water & Sewer District)

STATE OF IDAHO)
 :SS.
County of Kootenai)

MICHAEL G. SCHMIDT, being first duly sworn on oath, deposes and states as follows:

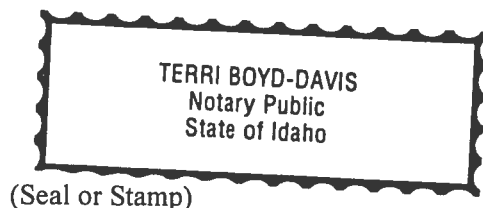
- 1) That I am the legal counsel for the Hayden Lake Recreational Water & Sewer District ("District"), a municipal district established under the laws of the State of Idaho, pursuant to Case No. CV1983-34668, in the District Court of the First Judicial District;
- 2) That I am over 18 years of age, competent to testify, and make this Affidavit of my own personal knowledge;
- 3) That by Court Order dated December 13, 2016, the District boundaries were expanded by the annexation of property described in such Order. A certified copy of the Court Order is attached hereto, along with a map reflecting the property being annexed; and
- 4) That this Affidavit and the attached documents are filed with the Kootenai County Recorder's Office pursuant to Idaho Code Section 62-215.


DATED this 14th day of December, 2016.

LUKINS & ANNIS, P.S.

By: 
MICHAEL G. SCHMIDT

SUBSCRIBED AND SWORN TO before me this 14th day of December, 2016.



 (Signature)
Notary Public
Terri Boyd-Davis (Print Name)
Hayden, ID
My appointment expires: 10/22/18

REC'D DEC 19 2016

STATE OF IDAHO
COUNTY OF KOOTENAI } SS
FILED:

2016 DEC 13 AM 11:07

CLERK DISTRICT COURT

DEPUTY

MICHAEL G. SCHMIDT
LUKINS & ANNIS, P.S.
601 E. Front Ave., Ste 303
Coeur d'Alene, ID 83814
Telephone: (208) 667-0517
Facsimile: (208) 664-4125
ISB #6911

Attorneys for Applicant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

IN THE MATTER OF:

HAYDEN LAKE RECREATIONAL
WATER & SEWER DISTRICT

NO. 34668 CV1983-34668

ORDER ANNEXING AND
INCLUDING PROPERTY WITHIN
DISTRICT BOUNDARIES

The application of the Board of Directors of the Hayden Lake Recreational Water & Sewer District, a municipal corporation of the State of Idaho, located in Kootenai County, State of Idaho, having been presented to this Court as provided by law, with particular reference to Idaho Code § 42-3218, and it appearing that all matters and notices as required by law have been done and given, and there being no requirement at law for any further hearing on this matter,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
AS FOLLOWS:

ORDER ANNEXING AND INCLUDING
PROPERTY WITHIN DISTRICT
BOUNDARIES: 1

That the following described real property be and the same is hereby annexed and included within the Hayden Lake Recreational Water & Sewer District, a municipal corporation of the State of Idaho, located in Kootenai County, State of Idaho:

Parcel A

The East Half of The Southwest Quarter of Section 4, Township 51 North, Range 3 West, Boise Meridian, Records of Kootenai County, Idaho;

EXCEPT all of Steele Estates, according to the plat recorded in the Office of the County Recorder in Book T of Plats at Page 362, Records of Kootenai County, Idaho;

Parcel B:

The West Half of the Southeast Quarter of Section 4, Township 51 North, Range 3 West, Boise Meridian, Records of Kootenai County, Idaho;

EXCEPT The North 1344.17 Feet Thereof;

ALSO EXCEPT that portion conveyed to Lakes Highway District by Deed under Instrument No. 1794416.

Address: 5845 E. Lancaster Road, Hayden, Idaho ("Property").

The Order of Inclusion and Annexation of Property, dated July 13, 2016, upon which this Order is based, is attached to this Order and incorporated herein by this reference.

DATED this 13 day of Dec., 2016.

Lansing L. Haynes
DISTRICT COURT JUDGE

ORDER ANNEXING AND INCLUDING
PROPERTY WITHIN DISTRICT
BOUNDARIES: 2


REC'D DEC 19 2016

CERTIFICATE OF SERVICE

I hereby certify that on the 13 day of Dec., 2016, I caused to be served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

- | | |
|---|--|
| <input type="checkbox"/> U.S. Mail | <input type="checkbox"/> Overnight Mail |
| <input type="checkbox"/> Hand Delivered | <input checked="" type="checkbox"/> Telecopy (FAX) |

Michael G. Schmidt
Lukins & Annis, P.S.
601 E Front Ave., Ste 303
Coeur d'Alene, Idaho 83814
Fax: (208) 664-4125


CLERK

REC'D DEC 19 2016

ORDER ANNEXING AND INCLUDING
PROPERTY WITHIN DISTRICT
BOUNDARIES: 3

**HAYDEN LAKE RECREATIONAL WATER & SEWER DISTRICT
KOOTENAI COUNTY, IDAHO**

ORDER OF INCLUSION AND ANNEXATION OF PROPERTY

The Board of Directors of the Hayden Lake Recreational Water & Sewer District, a municipal corporation of the State of Idaho, located within Kootenai County, State of Idaho (the "District"), having been presented on May 16, 2016 with a *Petition for Inclusion and Annexation of Property* pertaining to certain real property located in Kootenai County, Idaho, and Notice of Hearing thereon having been given in the Coeur d'Alene Press as provided by law, and it appearing that all matters and notices as required by law, more particularly Idaho Code § 42-3218, have been properly provided and performed, and the Board having heard, on June 22, 2016, all persons interested, and having considered the matter, and having continued said Public Hearing to July 13, 2016 to further consider additional information and conditions for potential annexation

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. That the following described property located in Kootenai County, Idaho, be, and the same hereby is annexed and included within the Hayden Lake Recreational Water & Sewer District, pursuant to the terms of Idaho Code § 42-3218, subject to acceptance of the conditions stated below within ten (10) days from issuance of this Order, and further subject to the Order of the District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai, authorizing said annexation of the following described real property:

Parcel A

The East Half of The Southwest Quarter of Section 4, Township 51 North, Range 3 West, Boise Meridian, Records of Kootenai County, Idaho;

EXCEPT all of Steele Estates, according to the plat recorded in the Office of the County Recorder in Book T of Plats at Page 362, Records of Kootenai County, Idaho;

Parcel B:

The West Half of the Southeast Quarter of Section 4, Township 51 North, Range 3 West, Boise Meridian, Records of Kootenai County, Idaho;

EXCEPT The North 1344.17 Feet Thereof;

ALSO EXCEPT that portion conveyed to Lakes Highway District by Deed under Instrument No. 1794416.

Address: 5845 E. Lancaster Road, Hayden, Idaho ("Property").
("Property");

(hereinafter "Subject Property")

REC'D DEC 19 2016

2. That the annexation and inclusion of said Property within the District is conditioned upon the following terms and conditions, as authorized by Idaho Code § 42-3218(c):

- a. Petitioner shall enter into an Agreement and Covenant Regarding Annexation, and permit it to be recorded in the real property records of Kootenai County, agreeing and acknowledging that because the existing collector system of the District in the vicinity of the Subject Property is designed only to accommodate existing District properties and users located within the current boundaries of the District ("Existing District Properties"), the Subject Property, along with any other properties that may be annexed in the future (collectively "New District Properties") may be required to separately participate in financing the construction of sewer collector system components so as to protect the existing system from being over-burdened, and to protect the existing District constituents from having to pay for expanding or reconfiguring its collector system to accommodate the New District Properties.
- b. The District may form a subdistrict and/or local improvement district and assess the Subject Property (and New District Properties, as the case may be) so as to place the cost of sewer infrastructure improvements and reconfiguration on the New District Properties. The intent of this provision is to make clear that the Subject Property (and any New District Properties) shall not stand on equal footing or be entitled to similar treatment as Existing District Properties.
- c. The District shall have the right to exercise its unfettered discretion with respect to whether it will provide sewer service to the Subject Property at any future date, and reserves the right to impose such further conditions and requirements on obtaining sewer service as it deems appropriate to protect the health and welfare of its constituents, and to protect the capacity of the existing sewer collection system from being allocated to newly-annexed property to the detriment of existing District constituents.

3. That in accordance with Idaho Code 42-3218(c), Petitioner shall have ten (10) days from issuance of this Order of Inclusion and Annexation of Property to accept and agree to be bound by the conditions of this Annexation, to sign and return the attachment to this Order evidencing such acceptance and agreement, and to sign and return the Agreement and Covenant Regarding Annexation, as attached.

4. That the original of this Order, together with a copy of the Petition and Proof of Publication as required by Idaho Code be submitted to the District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai, for entry of an Order including the Property referenced above within the District and defining the boundaries thereof.


//Signature page follows//

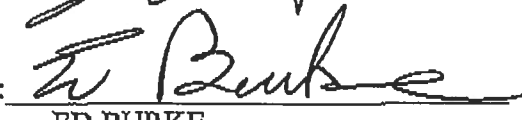
REC'D DEC 19 2016

Done and dated this 13 day of July, 2016.

HAYDEN LAKE RECREATIONAL
WATER & SEWER DISTRICT

By: 
CAROLE STRINGER

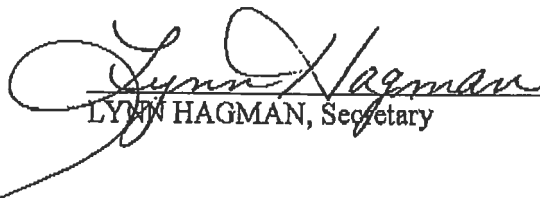
By: 
ED SHORT

By: 
ED BURKE

By: _____
ED GRAVES

By: _____

ATTEST;


LYNN HAGMAN, Secretary

REC'D DEC 19 2016

PETITIONER'S ACCEPTANCE OF CONDITIONS OF ANNEXATION

Pursuant to I.C. § 42-3218(c), Petitioner hereby accepts the conditions to annexation, as set forth above.

Dated: 7/13/2016, 2016

THE STEELE FAMILY TRUST DATED APRIL 21, 2000

By: Jeneen Espe Co-Trustee
JENEEN ESPE, Co-Trustee

By: Kaydee Steele Co-Trustee
KAYDEE STEELE, Co-Trustee

Dated: 7/13/2016, 2016

TRUST A OF THE STEELE FAMILY TRUST

By: Jeneen Espe Co-Trustee
JENEEN ESPE, Co-Trustee

By: Kaydee Steele Co-Trustee
KAYDEE STEELE, Co-Trustee

Dated: 7/13/2016, 2016

TRUST B OF THE STEELE FAMILY TRUST

By: Jeneen Espe Co-Trustee
JENEEN ESPE, Co-Trustee

By: Kaydee Steele Co-Trustee
KAYDEE STEELE, Co-Trustee

REC'D DEC 19 2016

**AGREEMENT AND COVENANT REGARDING ANNEXATION
TO THE HAYDEN LAKE RECREATIONAL WATER AND SEWER DISTRICT**

The undersigned, JENEEN ESPE and KAYDEE STEELE, AS CO-TRUSTEES OF THE STEELE FAMILY TRUST DATED APRIL 21, 2000; JENEEN ESPE and KAYDEE STEELE, AS CO-TRUSTEES OF TRUST A OF THE STEELE FAMILY TRUST, and JENEEN ESPE and KAYDEE STEELE, AS CO-TRUSTEES OF TRUST B OF THE STEELE FAMILY TRUST ("Petitioner"), hereby agree as follows:

1. That Petitioner owns the following described property located in Kootenai County, Idaho:

Parcel A:

The East Half of The Southwest Quarter of Section 4, Township 51 North, Range 3 West, Boise Meridian, Records of Kootenai County, Idaho;

EXCEPT all of Steele Estates, according to the plat recorded in the Office of the County Recorder in Book T of Plats at Page 362, Records of Kootenai County, Idaho;

Parcel B:

The West Half of the Southeast Quarter of Section 4, Township 51 North, Range 3 West, Boise Meridian, Records of Kootenai County, Idaho;

EXCEPT The North 1344.17 Feet Thereof;

ALSO EXCEPT that portion conveyed to Lake's Highway District by Deed under Instrument No. 1794416.

Address: 5845 E. Lancaster Road, Hayden, Idaho ("Property").
("Property");

(hereinafter "Subject Property")

2. That Petitioner has accepted the terms and conditions of Annexation, as provided in the Hayden Lake Recreational Water and Sewer District Order of Inclusion and Annexation of Property, dated July 13, 2016, which concerns and relates to the Subject Property;
3. That Petitioner agrees that it, and the Subject Property, shall be bound as follows:
 - A. Petitioner agrees and acknowledges that because the existing sewer collector system of the District in the vicinity of the Subject Property is designed only to accommodate existing District properties and users located within the current boundaries of the District ("Existing District Properties"), the Subject Property, along with any other properties that may be annexed in the future (collectively "New District Properties") may be required to separately participate in financing the construction of sewer collector system components so as to protect the existing system from being overburdened, to protect the existing District constituents from having to pay for expanding or reconfiguring its collector system to accommodate the New District Properties, and to protect the health and welfare of the District and its constituents.

- B. The District may form a subdistrict and/or local improvement district and assess the Subject Property (and New District Properties, as the case may be) so as to place the cost of sewer infrastructure improvements or reconfiguration on the Subject Property (and New District Properties, as the case may be). The intent of this provision is to make clear that the Subject Property (and any New District Properties) shall not stand on equal footing or be entitled to similar treatment as Existing District Properties.
- C. The District shall have the right to exercise its unfettered discretion with respect to whether it will provide sewer service to the Subject Property at any future date, and reserves the right to impose such further conditions and requirements on obtaining sewer service as it deems appropriate to protect the health and welfare of its constituents, and to protect the capacity of the existing sewer collection system from being allocated to New District Properties to the detriment of Existing District Properties.
4. Petitioner hereby declares that the Subject Property described herein shall be held, conveyed, mortgaged, encumbered, leased, rented, used, occupied, sold, and improved, subject to the terms of this Instrument, all of which shall run with the land and shall be perpetually binding upon the Petitioner and its successors-in-interest and assigns, and all parties having or acquiring any right, title, or interest in or to any part of the Parcels.

DATED: 7/13/, 2016.

THE STEELE FAMILY TRUST DATED APRIL
21, 2000

By: Jeneen Espe Co-Trustee
JENEEN ESPE, Co-Trustee

By: Kaydee Steele Co-Trustee
KAYDEE STEELE, Co-Trustee

REC'D DEC 19 2016

STATE OF IDAHO

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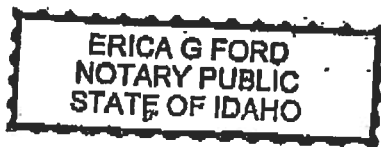
:ss

County of Kootenai

)

On this 13th day of July, 2016, before me, Erica G Ford
personally appeared JENEEN ESPE and KAYDEE STEELE, known or identified to me (or
proved to me on oath), to be the person whose name is subscribed to the within instrument as Co-
Trustees of THE STEELE FAMILY TRUST DATED APRIL 21, 2000, and acknowledged to me
that they executed the same on behalf of said Trust as Co-Trustees of said Trust.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Erica G. Ford
Notary Public for Idaho
Residing at Kootenai
Commission expires 11-27-19

DATED: 13th, July 2016.

REC'D DEC 19 2016

TRUST A OF THE STEELE FAMILY TRUST

By: Jeneen Espe Co-Trustee
JENEEN ESPE, Co-TrusteeBy: Kaydee Steele Co-Trustee
KAYDEE STEELE, Co-Trustee

STATE OF IDAHO)

:ss

County of Kootenai)

On this 13th day of July, 2016, before me, Erica G Ford
personally appeared JENEEN ESPE and KAYDEE STEELE, known or identified to me (or
proved to me on oath), to be the person whose name is subscribed to the within instrument as Co-
Trustees of TRUST A OF THE STEELE FAMILY TRUST, and acknowledged to me that they
executed the same on behalf of said Trust as Co-Trustees of said Trust.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Erica G. Ford
Notary Public for Idaho
Residing at Kootenai
Commission expires 11-27-19

DATED: 13th, July, 2016.

REC'D DEC 19 2016

TRUST B OF THE STEELE FAMILY TRUST

By: Jeneen Espe
JENEEN ESPE, Co-Trustee

By: Kaydee Steele Co-Trustee
KAYDEE STEELE, Co-Trustee

STATE OF IDAHO)
)
County of Kootenai)

On this 13th day of July, 2016, before me, Erica G Ford
personally appeared JENEEN ESPE and KAYDEE STEELE, known or identified to me (or
proved to me on oath), to be the person whose name is subscribed to the within instrument as Co-
Trustees of TRUST B OF THE STEELE FAMILY TRUST and acknowledged to me that they
executed the same on behalf of said Trust as Co-Trustees of said Trust.

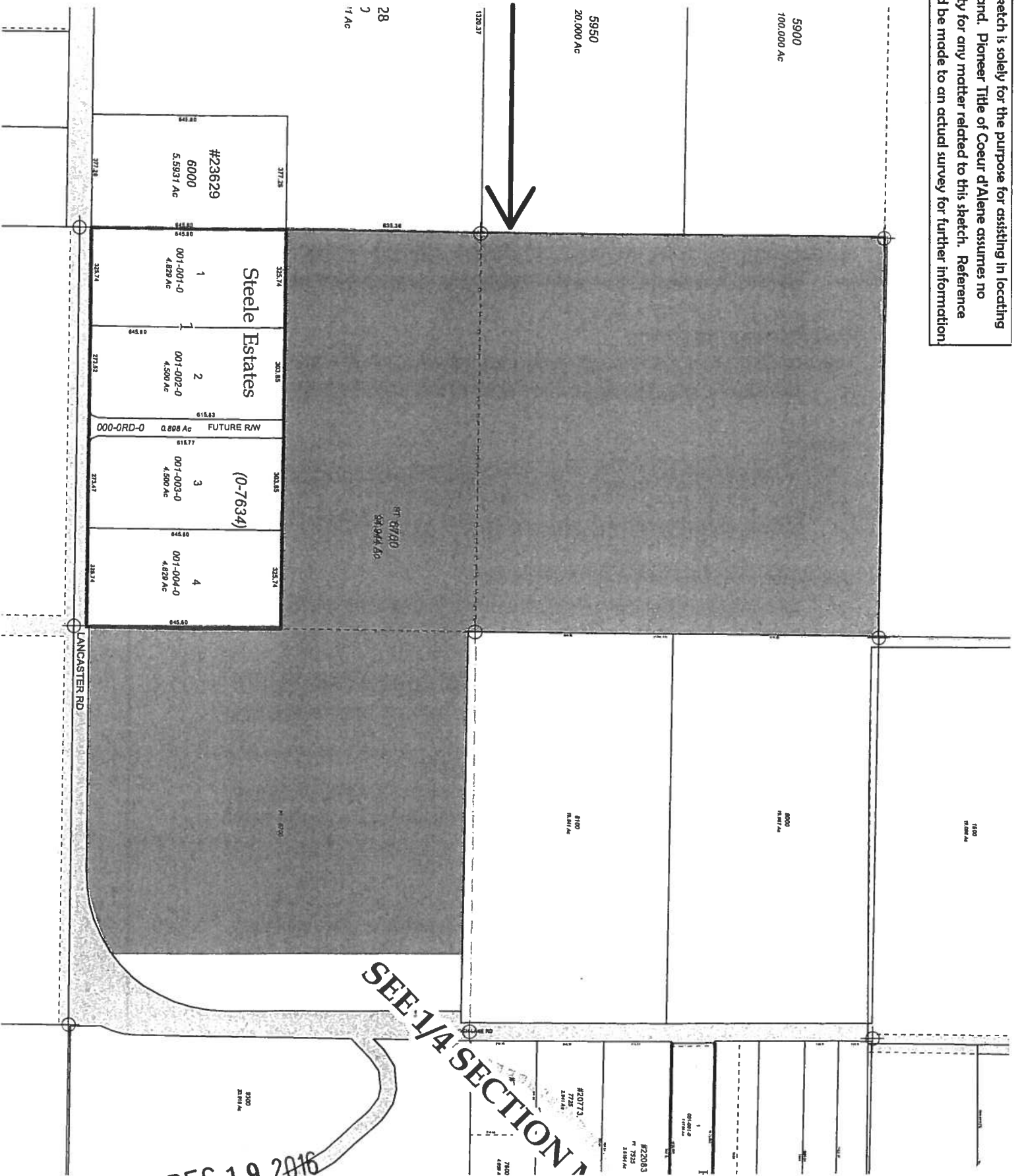
WITNESS my hand and official seal hereto affixed the day and year first above written.



Erica G Ford
Notary Public for Idaho
Residing at Kootenai
Commission expires 11-27-19

REC'D DEC 19 2016

This sketch is solely for the purpose for assisting in locating said land. Pioneer Title of Coeur d'Alene assumes no liability for any matter related to this sketch. Reference should be made to an actual survey for further information.





PioneerTitleCo.
GOING BEYOND

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

geoAdvantage
www.sentrydynamics.net

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